IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 12190 of 2007(A)

PETITIONERS:

1. K.MOOSA, HSST JUNIOR (ARABIC),
GOVT.HIGHER SECONDARY SCHOOL, BIG BAZAR,
PALAKKAD.

2. M.NASSARUDEEN, HSST JUNIOR (ARABIC),
GOVT. GIRLS HIGHER SECONDARY SCHOOL,
NEDUMANGAD, TRIVANDRUM.

BY ADV. SMT.S.KARTHIKA
SRI.M.S.UNNIKRISHNAN

RESPONDENTS:

1. STATE OF KERALA, REP.BY ITS
SECRETARY TO GOVT., HIGHER SECONDARY EDUCATION
DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDING,
SANTHI NAGAR, TRIVANDRUM-1.

3. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD.

4. THE DEPUTY DIRECTOR OF EDUCATION,
TRIVANDRUM.

BY SR.GOVERNMENT PLEADER SRI.T.T.MAHMOOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.12190 OF 2007

Dated this the 31st day of May, 2007

JUDGMENT

Petitioners are stated to be working as Higher Secondary School Teachers (Junior) (Arabic) in Government schools at Palakkad and Trivandrum respectively. As per order dated March 23, 2007, a copy of which is on record as Ext.P6, the Director of Higher Secondary Education held that petitioners were liable to be reverted as High School Assistants to their parent department with immediate effect. The above view was taken on the basis of Ext.P5 order passed by the Director by which seniority of the petitioners was reassigned. By such reassignment, it become necessary that petitioners had to be reverted.

2. It is the contention of the petitioners that no reversion will be necessary since there are sufficient posts to accommodate the petitioners as Higher Secondary teachers (Junior) at present. Petitioners have pointed out certain vacancies in the writ petition. It is their contention that going by their seniority they can be accommodated. This is a matter to be looked into by the department.

3. Therefore, the writ petition is disposed of with a direction to respondent no.2 to consider the request if any that may be made by them in writing within seven days from today. Appropriate orders on the said request shall be passed by respondent no.2 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within one month from the date of receipt thereof. It must be ensured by respondent no.2 that apart from petitioners, all others who are likely to be affected by the order that may be passed by him, are afforded sufficient opportunity to be heard before any such decision is taken. Petitioners shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.2 for compliance. Till such time, a decision is taken as directed above, the interim order passed by this court shall remain in force.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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